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LEE *et al.*
Appl. No. 10/821,128
AUG 30 2006

Remarks

Applicants respectfully request that the present remarks be entered and made of record in the instant application.

Upon entry of the foregoing amendment, claims 1-16, 18-31, and 55-71 are pending in the application, with claims 1, 16, and 55 being the independent claims. Claims 1, 16, and 55 are amended. Claim 17 is cancelled. Support for the claim amendments may be found in the original claims and throughout the specification, specifically at paragraphs 25-26. Thus, no new matter is added by way of these amendments, and their entry is respectfully requested.

Reply to Restriction Requirement

This communication is responsive to the Office Action dated July 10, 2006.

Restriction Requirement

Applicants provisionally elect to prosecute the subject matter of Restriction Group I, claims 1-31 and 55-71, drawn to a composition for use in synthesizing one or more nucleic molecules and a kit for use in labeling one or more nucleic acid molecules, classified in class 435, subclass 6. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. This election is made without traverse.

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Election of Species

Applicants elect the following:

i. Composition/kit comprising a nucleic acid template that is:

(1) Yes; (b) RNA; (ii) Population of mRNA molecules

Claims 1-6, 8-16, 18-22, 24-31, 55-62, and 64-71 read on the elected species.

ii. Detectable label that is:

(2) No

Claims 1-9, 15-16, 18-25, 31, 55-65, and 71 read on the elected species.

iv. One or more enzymes with transcriptase activity:

(a) Yes

Claims 1-16, 18-31, and 55-71 read on the elected species.

v. Modified nucleotides present in composition/kit:

(1) Yes; (b) Two or more modified nucleotides present; (i) Aminoallyl-dUTP

Claims 1-16, 18-31, and 55-71 read on the elected species.

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These elections are made without prejudice to or disclaimer of the other claims or invention disclosed. Applicants reserve their rights pursuant to 37 C.F.R. § 1.114 (a) to have additional species considered in the event that a generic claim is found allowable. In accordance with the provision of MPEP 821.04, applicants reserve the right to rejoin withdrawn process claims that depend from or otherwise include all the limitations of any allowed product claims and have them examined for patentability in accordance with 37 CFR 1.104.

Respectfully submitted,



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